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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC  
COMPANY,

Debtors.

Bankruptcy Case No. 19-30088 (DM)  
Chapter 11 (Lead Case) (Jointly Administered)

**MOTION TO REDACT DOCUMENTS FILED  
IN SUPPORT OF CPSI AGREEMENT  
ASSUMPTION MOTION**

**(THE “CPSI REDACTION MOTION”)**

[No Hearing Requested]

Affects PG&E Corporation  
 Affects Pacific Gas and Electric Company  
 Affects both Debtors

\* All papers shall be filed in the Lead Case,  
No. 19-30088 (DM).

1 PG&E Corporation (“**PG&E Corp.**”) and Pacific Gas and Electric Company (the  
2 “**Utility**”), as debtors and debtors in possession (collectively, “**PG&E**” or the “**Debtors**”) in the  
3 above-captioned chapter 11 cases (the “**Chapter 11 Cases**”), hereby submit this Motion (the  
4 “**Motion**”), pursuant to sections 105(a) and 107(c) of title 11 of the United States Code (the  
5 “**Bankruptcy Code**”), Rule 1001-2(a) of the Bankruptcy Local Rules for the United States District  
6 Court for the Northern District of California (the “**Bankruptcy Local Rules**”) and the *New District*  
7 *Wide Procedures for Electronically Filing Sealed and Redacted Documents* adopted by the United  
8 States Bankruptcy Court for the Northern District of California (the “**Local Procedures**”), for entry  
9 of an order (a) authorizing the Debtors to redact the names of natural persons contained in **Exhibit**  
10 **B** to the Motion and the addresses of those persons (the “**Personal Information**”) to the *Second*  
11 *Omnibus Motion of the Debtors Pursuant to 11 U.S.C § 365(a), Fed. R. Bankr. P. 6006, and B.L.R.*  
12 *6006-1 (i) Approving the Utility’s Assumption of Contracts in Connection with the Community*  
13 *Pipeline Safety Initiative and (ii) Granting Related Relief* (the “**CPSI Assumption Motion**”)<sup>1</sup> from  
14 the CPSI Assumption Motion and any other document filed publicly in connection with the CPSI  
15 Assumption Motion (collectively, the “**Motion Documents**”) and (b) directing that the unredacted  
16 copies of the Motion Documents provided to the Court shall remain under seal and confidential and  
17 not be made available without the consent of the Debtors or further order from the Court. The  
18 Debtors propose to share, on request, unredacted copies of the Motion Documents containing  
19 Personal Information with (i) the U.S. Trustee on a strictly confidential basis and (ii) counsel and  
20 financial advisors to the Creditors Committee and the Tort Claimants Committee on a strictly  
21 confidential and “professionals’ eyes only” basis.

22 In support of the Motion, the Debtors submit the Declaration of Joe Echols  
23 (the “**Echols Declaration**”), filed contemporaneously herewith. A proposed form of order granting  
24 the relief requested herein is being uploaded concurrently herewith in accordance with the Local  
25 Procedures (the “**Proposed Order**”).

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28 <sup>1</sup> Capitalized terms used but not defined in this Motion shall have the meaning used in the CPSI  
Assumption Motion.

## 1 MEMORANDUM OF POINTS AND AUTHORITIES

### 2 I. JURISDICTION

3 The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334,  
4 the *Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24 (N.D.  
5 Cal. Feb. 22, 2016), and Bankruptcy Local Rule 5011-1(a). This is a core proceeding pursuant to 28  
6 U.S.C. § 157(b). Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

### 7 II. BACKGROUND

8 On January 29, 2019 (the “**Petition Date**”), the Debtors commenced with the Court  
9 voluntary cases under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their  
10 businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108  
11 of the Bankruptcy Code. No trustee or examiner has been appointed in either of the Chapter 11 Cases.  
12 The Debtors’ Chapter 11 Cases are being jointly administered for procedural purposes only pursuant to  
13 Bankruptcy Rule 1015(b).

14 On February 12, 2019, the United States Trustee (the “**U.S. Trustee**”) appointed an  
15 Official Committee of Unsecured Creditors (the “**Creditors Committee**”). On February 15, 2019, the  
16 U.S. Trustee appointed an Official Committee of Tort Claimants (the “**Tort Claimants Committee**”)  
17 and, together with the Creditors Committee, the “**Committees**”).

18 Additional information regarding the circumstances leading to the commencement of the  
19 Chapter 11 Cases and information regarding the Debtors’ businesses and capital structure is set forth in  
20 the *Amended Declaration of Jason P. Wells in Support of First Day Motions and Related Relief* [Docket  
21 No. 263] (the “**Wells Declaration**”).

### 22 III. THE CPSI AGREEMENTS

23 The Debtors have included the complete list of CPSI Agreements to be assumed pursuant  
24 to the CPSI Assumption Motion as an exhibit thereto. Specifically, Exhibit B to the CPSI Assumption  
25 Motion and Schedule 1 to the Proposed Order on the CPSI Assumption Motion contain the following  
26 information: (i) the names of the parties to the CPSI Agreements; (ii) the type of each CPSI Agreement;  
27 (iii) whether each CPSI Agreement is a Vegetation or Structure Agreement; (iv) the monetary and non-  
28 monetary compensation to be provided under each CPSI Agreement; and (v) the date each CPSI

1 Agreement was executed. Out of concern for the privacy and safety of participating property owners,  
2 the Debtors seek to avoid publicly disclosing the names and addresses of the counterparties on **Exhibit**  
3 **B** to the CPSI Assumption Motion or other publicly filed Motion Documents where their names and  
4 addresses appear, including on the certificates of service filed by PrimeClerk in relation to the Motion  
5 and any order entered by the Court in respect of the Motion. Although the Personal Information may  
6 otherwise be publicly available in other contexts and filings, disclosure of the Personal Information in  
7 the Motion Documents will directly connect their names and addresses to the CPSI program and may  
8 give rise to the harm discussed below.

9 As set forth in the Motion, the Debtors are seeking authority to assume certain agreements  
10 entered into with landowners in connection with the CPSI program, which agreements provide the Utility  
11 necessary access to land on which the Utility's gas transmission pipelines are located to carry out critical  
12 vegetation removal and other clearing projects. *See* Echols Declaration ¶ 4. The projects carried out as  
13 part of the CPSI program occasionally require that trees and other vegetation be cleared or otherwise  
14 removed to ensure the Utility and emergency services providers can access the Utility's gas transmission  
15 pipelines, making the program a potential target of activists in the communities in which the projects  
16 are carried out. *See id.* On several occasions in the past, the publicly disclosed information of  
17 participants in the CPSI program has been used by activists to make unsolicited contact with those  
18 property owners in an effort to discourage them from participating in the CPSI program. *See id.*

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20 **IV. BASIS FOR RELIEF REQUESTED**

21 Section 105(a) of the Bankruptcy Code empowers the Court to "issue any order . . . that  
22 is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). Section 107(c)  
23 of the Bankruptcy Code further provides:

24 (1) The bankruptcy court, for cause, may protect an individual, with respect to the  
25 following types of information to the extent the court finds that disclosure of such  
26 information would create undue risk of identity theft or other unlawful injury to the  
individual or the individual's property:

27 (A) Any means of identification (as defined in section 1028(d) of title 18)  
28 contained in a paper filed, or to be filed, in a case under this title.

1 (B) Other information contained in a paper described in subparagraph (A).  
2 11 U.S.C. § 107(c).

3 The Personal Information clearly falls within the definition of “any means of  
4 identification” in section 107(c)(1)(A). “Means of identification” is defined by section 1028(d)(7) of  
5 title 18 of the United States Code as “any name or number that may be used, alone or in conjunction  
6 with any other information, to identify a specific individual...including any name.” Further to this, the  
7 effect of section 107(c)(1)(B) is to expand the scope of information which may be protected from  
8 disclosure to any other information in a paper which contains a means of identification. *In re Motions*  
9 *Seeking Access to 2019 Statements*, 585 B.R. 733, 750 (D. Del. 2018). In *2019 Statements*, the District  
10 Court for the District of Delaware upheld a bankruptcy court’s order to restrict access to the 2019  
11 Exhibits filed in that case containing information regarding asbestos claimants to protect the names,  
12 addresses, social security numbers, and medical information contained therein, and rejected an  
13 application for access to the protected information for unspecified lobbying efforts by the applicants.  
14 The District Court noted that the courts below considered the risk to the privacy of the individuals that  
15 disclosure would cause: “the privacy issue is an important issue as most of these claimants are, frankly,  
16 elderly. They don’t want to be harassed by third parties. They don’t want to be harassed by insurance  
17 companies who aren’t paying. They don’t want to be harassed by so-called investment advisers. They  
18 signed up, not to have their social security numbers and their disease spread around the country or to  
19 their neighbors or anyone else.” *Id* (internal quotation marks omitted). The District Court confirmed  
20 that a risk to privacy interests is an “unlawful injury” for the purposes of section 107(c) of the Bankruptcy  
21 Code, and even if steps were taken to “reduce[] the risk of identity theft or other injury” through the  
22 redaction of medical records and all but the last four digits of social security numbers, it did not  
23 “eliminate these risks.” *2019 Statements*, 585 B.R. at 753. Courts have also permitted the use of  
24 pseudonyms to avoid an individual’s name being associated with their mental illness on the basis that it  
25 would likely be detrimental to future employment opportunities. *In re L.K.*, No. 1-05-13887-dem, 2009  
26 WL 1955455, at \*2 (Bankr. E.D.N.Y. July 6, 2009).

1                   Here, the Debtors seek to protect individuals from the risk of unsolicited contact that may  
2 be perceived as intrusive or harassing as a result of their participation in the CPSI program. In light of  
3 past events demonstrating the risk of unwanted contact and intrusion into the privacy of the CPSI  
4 Counterparties, the Debtors believe that they have satisfied their burden under Section 107(c). *See 2019*  
5 *Statements*, 585 B.R. at 751 (noting that Section 107(c) only requires identifying a risk of unlawful  
6 injury).

7                   Further, in balancing the risk of harm with transparency, the Debtors are prepared to file  
8 unredacted copies of the Motion Documents with the Court under seal according to the Local Procedures  
9 and propose to share, on request, unredacted copies of the Motion Documents with (i) the U.S. Trustee  
10 on a strictly confidential basis and (ii) counsel and financial advisors to the Creditors Committee and the  
11 Tort Claimants Committee on a strictly confidential and “professionals’ eyes only” basis.

12 **V.       NOTICE**

13                   Notice of this Motion will be provided to (i) the Office of the United States Trustee for  
14 Region 17 (Attn: Andrew Vara, Esq. and Timothy Laffredi, Esq.); (ii) counsel to the Creditors  
15 Committee; (iii) counsel to the Tort Claimants Committee; (iv) the Securities and Exchange  
16 Commission; (v) the Internal Revenue Service; (vi) the Office of the California Attorney General; (vii)  
17 the California Public Utilities Commission; (viii) the Nuclear Regulatory Commission; (ix) the Federal  
18 Energy Regulatory Commission; (x) the Office of the United States Attorney for the Northern District  
19 of California; (xi) counsel for the agent under the Debtors’ debtor in possession financing facility; (xii)  
20 each counterparty to the CPSI Agreements; and (xiii) those persons who have formally appeared in these  
21 Chapter 11 Cases and requested service pursuant to Bankruptcy Rule 2002. The Debtors respectfully  
22 submit that no further notice is required.

23                   No previous request for the relief sought herein has been made by the Debtors to this or  
24 any other court.

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1 WHEREFORE the Debtors respectfully request entry of an order granting the relief requested  
2 herein and such other and further relief as the Court may deem just and appropriate.  
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5 Dated: July 24, 2019

6 **WEIL, GOTSHAL & MANGES LLP**  
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8 **KELLER & BENVENUTTI LLP**  
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10 By: /s/ Jessica Liou  
11 Jessica Liou  
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13 *Attorneys for Debtors  
14 and Debtors in Possession*  
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